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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Reynaldo Agavo,
Petitioner,
v.
Dwight Neven, et al.,
Respondents.

Case No. 2:13-cv-01741-JCM-DJA

**Unopposed motion for extension of
time in which to file reply in
support of petition**

(Third request)

Reynaldo Agavo respectfully moves this Court for an extension of time of twenty-eight (28) days, from December 20, 2019, to and including January 17, 2020, in which to file a reply in support of the merits of his second amended petition.

ARGUMENT

1. Mr. Agavo has filed a second amended petition, and the State has filed an answer. ECF No. 50. Mr. Agavo's reply on the merits is due on December 20, 2019.

2. Undersigned counsel has continued to review the State's answer and Mr. Agavo's file in an effort to comply with the Court's deadline. However, counsel respectfully suggests additional time is necessary to properly prepare the reply.

3. Undersigned counsel has made substantial progress in reviewing Mr. Agavo's entire file and has prepared a complete draft of the reply. However, additional time is necessary to finalize the reply and finishing reviewing the remaining portions of Mr. Agavo's file.

4. Undersigned counsel has had many professional obligations in the past weeks, including, among others, an application for a certificate of appealability filed on October 18, 2019, in *Barragan v. Filson*, Case No. 19-16804 (9th Cir.); an out-of-state conference held in Cincinnati, Ohio, on October 24 through 26, 2019; an opposition to a motion to dismiss filed on November 6, 2019, in *Burch v. Baker*, Case No. 2:17-cv-00656-MMD-VCF (D. Nev.); an opposition to a motion to dismiss filed on November 8, 2019, in *Patterson v. Gentry*, Case No. 2:17-cv-02131-JCM-EJY (D. Nev.); an opening brief filed on November 8, 2019, in *Slaughter v. Baker*, Case No. 78760 (Nev. Sup. Ct.); a deposition conducted on November 12, 2019, in San Bernardino, California, in *Sawyer v. Baker*, Case No. 3:16-cv-00627-MMD-WGC (D. Nev.); and a reply on the merits filed on December 6, 2019, in *Matlean v. Williams*, Case No. 3:16-cv-00233-HDM-CLB (D. Nev.). In addition, undersigned counsel was out of the country on vacation from November 19, 2019, to December 3, 2019.

5. Undersigned counsel has many additional professional obligations in the coming weeks, including, among others, a second amended petition due on December 30, 2019, in *Cook v. Baker*, Case No. 3:19-cv-00081-MMD-CLB (D. Nev.); an

1 opening brief due on January 2, 2020, in *Guzman v. Gittere*, Case No. 79519 (Nev.
2 Sup. Ct.); a reply brief due on January 2, 2020, in *Rosales v. Baker*, Case No. 78735
3 (Nev. Sup. Ct.); a petition for a writ of certiorari due on January 3, 2020, in *Ramet v.*
4 *LeGrande*, Case No. 19A573 (U.S. Sup. Ct.); an opposition to a motion to dismiss due
5 on January 6, 2020, in *Palmer v. Filson*, Case No. 3:18-cv-00245-HDM-CLB (D. Nev.);
6 an opening brief due on January 10, 2020, in *Palmer v. Gittere*, Case No. 79397 (Nev.
7 Sup. Ct.); a petition for a writ of certiorari due on February 5, 2020, in *Major v. Baker*,
8 Case No. 76716 (Nev. Sup. Ct.) (U.S. Sup. Ct. Case No. not yet assigned); an amended
9 petition due on February 10, 2020, in *Brown v. Baker*, Case No. 3:19-cv-00258-LRH-
10 WGC (D. Nev.); and an amended petition due on February 13, 2020, in *Cordova v.*
11 *Baca*, Case No. 3:19-cv-00388-MMD-CLB (D. Nev.), a case for which time remains on
12 the federal statute of limitations.

13 6. Therefore, counsel seeks an additional twenty-eight (28) days, up to and
14 including January 17, 2020, in which to file the reply in support of the petition. This
15 is undersigned counsel's third request for an extension of time in which to file the
16 reply in support of the petition.

17 7. On December 20, 2019, counsel contacted Deputy Solicitor General Jeffrey M. Conner and informed him of this request for an extension of time. As a matter
18 of professional courtesy, Mr. Conner had no objection to the request. Mr. Conner's
19 lack of objection should not be considered as a waiver of any procedural defenses or
20 statute of limitations challenges, or construed as agreeing with the accuracy of the
21 representations in this motion.

22 8. This motion is not filed for the purposes of delay, but in the interests of
23 justice, as well as in the interest of Mr. Agavo. Counsel for Mr. Agavo respectfully
24 requests this Court grant the motion and order Mr. Agavo to file the reply in support
25 of the petition no later than January 17, 2020.

Dated December 20, 2019.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ Jeremy C. Baron

Jeremy C. Baron
Assistant Federal Public Defender

IT IS SO ORDERED:

John C. Mahan
United States District Judge

Dated: December 20, 2019

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2019, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Jeffrey M. Conner.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing by First-Class Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within three calendar days, to the following non-CM/ECF participants:

Reynaldo Agavo
No. 93976
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070

/s/ Jessica Pillsbury
An Employee of the
Federal Public Defender